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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/608,750	06/30/2000	Mario Nemirovsky	P3815	2165

24739 7590 06/07/2004

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EXAMINER

ANYA, CHARLES E

ART UNIT	PAPER NUMBER
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2126

DATE MAILED: 06/07/2004

12

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/608,750

Applicant(s)

NEMIROVSKY ET AL.

Examiner

Charles E Anya

Art Unit

2126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,8-10,16-18,24-26 and 32 is/are rejected.
- 7) ☒ Claim(s) 3-7,11-15,19-23 and 27-31 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/10/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-32 are pending in this application.

Claim Objections

2. **Claims 1,3-5,9,11-13,17,19,29,21,27-29 are objected to because of the following informalities:**

3. Claims 1,9 and 17 include the phrase "characterized" in lines 7, 8 and 2 respectively, this phrase makes the claimed limitation unclear and unspecific.
For the purpose of this office action the examiner would change the said phrase to "wherein".

4. Claims 3,11,19 and 27 include the phrases "may" and "processor unaware" in lines 1 and 2 respectively, these phrases make the claimed limitation unclear and/or unspecific.

For the purpose of this office action the examiner would delete the phrase "may" and change "processor unaware" to processor unaware.

5. Claims 4,12,20 and 28 include the phrase "processor aware" in line 2 respectively; this phrase makes the claimed limitation unclear.

For the purpose of this office action the examiner would change the phrase "processor aware" to processor aware.

6. Claims 5,13,21 and 29 include the word "ready" in lines 3,4,4 and 4 respectively; this word makes the claimed limitation unclear.

For the purpose of this office action the examiner would change the word "ready" to ready.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 17 and 26-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

9. Claim 17 recites the limitation "packet IDs received" in lines 8 and 9. There is insufficient antecedent basis for this limitation in the claim.

For the purpose of this office action the examiner would change "packet IDs received" to "event identifications (IDs) received".

10. Claim 26 recites the limitation "the method of claim 24" in line 1. There is insufficient antecedent basis for this limitation in the claim.

For the purpose of this office action the examiner would change the phrase "the method of claim 24" to "the method of claim 25".

11. Claims 27-32 appear to include typographical errors in that the respective dependency is wrong.

For the purpose of this office action the examiner would change the dependency as follows:

Claim 27 would depend on claim 26.

Claim 28 would depend on claim 27.

Claim 29 would depend on claim 28.

Claim 30 would depend on claim 29.

Claim 31 would depend on claim 26.

Claim 32 would depend on claim 25.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. **Claims 1,2,8-10,16-18,24-26 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,460,105 B1 to Jones et al. in view of U.S. Pat. No. 5, 708,814 to Short et al.**

14. As to claim 1, Jones teaches a background event buffer manager (BEBM) for ordering and accounting for events in a data processing system having a processor (figure 8 Col. 7 Ln. 7 – 43), the BEBM comprising: a port for receiving event

identifications (IDs) from a device (Col. 7 Ln. 7 – 14), a queuing function enabled for queuing event IDs received (Col. 7 Ln. 7 – 14) and characterized in that the BEBM handles all event ordering and accounting for the processor (figure 8 Col. 7 Ln. 7 – 43).

15. Jones is silent with reference to a notification function for notifying the processor of queued event IDs.

16. Short teaches a notification function for notifying the processor of queued event IDs (figure 3 Col. 5 Ln. 58 – 67).

17. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Short and Jones because the teaching of Short would improve the system of Jones by providing means for controlling event processing by the processor (Col. 5 Ln. 58 – 61).

18. As to claim 2, Jones teaches the BEBM of claim 1 wherein the queuing function queues event IDs by type, and by event priority within type queues, and also associates an acknowledgment (ack) with each event (Col. 7 Ln. 10 – 20).

19. As to claim 8, Jones teaches the BEBM of claim 1 wherein the events are arrival of packets to be processed in a network packet router (Col. 7 Ln. 7 – 14).

20. As to claims 9,17 and 25, see the rejection of claim 1.

21. As to claims 16,24 and 32, see the rejection of claim 8.

Allowable Subject Matter

22. Claims 3-7,11-15,19-23 and 27- 31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

23. Applicant's arguments with respect to claims 1-32 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles E Anya whose telephone number is (703) 305-3411. The examiner can normally be reached on M-F (8:30-6:00) First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, An Meng-Ai can be reached on (703) 305-9678. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2126

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Charles E Anya
Examiner
Art Unit 2126

cea.



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